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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sudesh Kamath

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/833,034	<b>Applicant(s)</b> KAMATH ET AL.	
	<b>Examiner</b> Naresh Vig	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9-24,26-28,30,32-47,49-51,53 and 55-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-24,26-28,30,32-47,49-51,53 and 55-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This is in reference to the communication mailed on 08 September 2006. Claims 1, 3 – 5, 7, 9 – 24, 26 – 28, 30, 32 – 47, 49 – 51, 53 and 55 – 69 are pending for examination.

### ***Response to Arguments***

In response to applicant's argument that cited reference B&N does not teach bifurcated processing route.

However, on page 37, B&N recites Check on an item you'd like to order ( if ordering multiple items or gift wrapping required, add them to your cart)".

In response to applicant's argument that cited reference B&N does not teach any second order processing route that affords the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping cart according to the express order processing route that requires no further input by the customer to execute.

Applicant is separating the cited references to make the argument. Hartman in Fig. 1A and 1B with the associated disclosure clearly teaches idea of processing of customer order using 1-click without further input from the user.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 5, 7, 9 – 24, 26 – 28, 30, 32 – 47, 49 – 51, 53 and 55 – 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes & Noble hereinafter known as B&N in view of Hartman et al. US Patent 5,960,411 hereinafter known as Hartman.

Regarding claims 1, 24 and 47, B&N teaches system and method of processing an online purchase request from a customer to a vendor over the computer network. B&N in view of Hartman teaches express checkout button on web page [B&N, page 12, 13]. B&N teaches:

receiving a first online purchase request for a first item [B&N, page 12, 13, 37];  
responsive to receiving the first online request, providing a bifurcated order processing route that requests the customer to choose a first order processing route (Express Checkout) or a second order processing route (Shopping Cart) [B&N, page 12, 13, 28, 37 (customer can use express checkout, or, add item(s) to cart)],

the first order processing route causing the first online purchase request to be processed according to an express processing procedure that requires no further input by the customer to execute the first online purchase request [B&N, page 12, 13, 37]

receiving for customer a selection of order processing route and processing the order according to customer's selection [B&N, page 12, 13, 28, 37].

B&N teaches processing of orders placed in shopping cart to be processed according to the express ordering processing. B&N does not teach processing the order without further input of user. However, Hartman teaches idea of process customer order using express ordering processing (1-click) without further input from user ("Order faster with 1-click", "Thank you for your 1-click order", and, allows customers to Review or change their already placed 1-click orders, see "A quantity of 1 pf [the item] will be shipped to you as soon as possible", i.e. shopping cart processed with single click) [Hartman, Fig. 1A, 1B and disclosure associated with Fig. 1A, 1B].

Therefore, it would have been obvious to modify B&N as taught by Hartman to take a single action to place the order to expedite taking of customer orders.

B&N in view of Hartman teaches:

website www.BarnesAndNoble.com;

at least one processor (B&N server);

at least one data storage device (B&N in view of Hartman teaches to store account information);

a plurality of processes spawned by said at least one processor (B&N in view of Hartman teaches to allow customers to perform plurality of functions on their web site, capability for plurality of customers to access B&N system).

Regarding claims 3, 26 and 49, B&N in view of Hartman teaches enabling the customer to create a list that includes the first and at least one second item, the list being persistently stored to enable later retrieval and use [B&N, page 12, 37].

Regarding claims 4, 27 and 50, B&N in view of Hartman teaches first item includes a uniquely identified and pre-stored list of goods [B&N, page 12, 13, 37].

Regarding claims 5, 28 and 51, B&N in view of Hartman teaches list (shopping cart) includes an object, the object including at least one of another list and item.

Regarding claims 9, 32 and 55, B&N in view of Hartman teaches:  
generating a first quote that includes the processed first online purchase request, the first quote including at least one of an identification of the first item and an identification of the shopping cart [B&N, page 12];

enabling modifications to be made to the first quote, the first quote persisting at least until a consolidation interval has elapsed (How to remove or change items in your cart) [B&N, page 12];

carrying out the converting step by converting the first quote into the first executable order when a quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval (you have 90 minutes to make any changes) [B&N, page 12].

Regarding claims 10, 33 and 56, B&N in view of Hartman teaches generating an order status Web page that is viewable by the customer, the order status Web page displaying selected details of the first quote (how can I check on my order) [B&N, page 24].

Regarding claims 11, 34 and 57, B&N in view of Hartman teaches order status Web page is configured to refer to the first quote as a pending order (how can I check on my order) [B&N, page 24].

Regarding claims 12, 35 and 58, B&N in view of Hartman teaches to allow at least one of the customer a selected process and an authorized person to modify the first quote.

Regarding claims 13, 36 and 59, B&N in view of Hartman teaches an authorized person includes the customer and a sales representative.

Regarding claims 14, 37 and 60, B&N in view of Hartman teaches quote conversion process is launched at a selectable interval (hold to complete) [B&N, page 14].

Regarding claims 15, 38 and 61, B&N in view of Hartman teaches consolidation interval is measured from a time at which the quote conversion process is launched (hold to complete) [B&N, page 14].

Regarding claims 16, 39 and 62, B&N in view of Hartman teaches quote conversion process runs continuously (hold to complete) [B&N, page 14].

Regarding claims 17, 40 and 63, B&N in view of Hartman teaches converting the first and any second purchase request into an executable order and sending the executable order to an order fulfillment system (hold to complete) [B&N, page 14].

Regarding claims 18, 41 and 64, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer over the computer network, and adding the second item to the first quote when the second online purchase request is received before the first quote is converted into the first order (hold to complete) [B&N, page 14].



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Regarding claims 19, 42 and 65, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer over the computer network, and adding the second item to the first quote when the quote conversion process determines that the first quote has remained unmodified for a period of time that is less than the consolidation interval [B&N, page 14, 24].

Regarding claim 20, 43 and 66, B&N in view of Hartman teaches receiving a second online purchase request for a second item from the customer over the computer network, and generating a second quote that includes an identification of the second item and the retrieved information when the quote conversion process determines that the first quote has remained unmodified for a period of time greater than the consolidation interval [B&N, page 14, 24].

Regarding claims 21, 44 and 67, B&N in view of Hartman teaches quote conversion process determines a difference between a time at which a last modification to the first quote was made and a current time and converts the quote to the first order when the difference is greater than the consolidation interval [B&N, page 14, 24].

Regarding claim 22, 45 and 68, B&N in view of Hartman teaches sending a message to the customer over the computer network when the first quote is converted into the first order (confirmation email) [B&N, page 28].

Regarding claims 23, 46 and 69, B&N in view of Hartman teaches message includes an email (confirmation email) [B&N, page 28].

Claims 7, 30 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes & Noble hereinafter known as B&N (additional pages added to B&N reference, additional new pages were cited in the office action mailed to the applicant on 10 February 2006) in view of Hartman et al. US Patent 5,960,411 hereinafter known as Hartman further in view of Johnson et al. US Patent 5,712,989 hereinafter known as Johnson.

Regarding claims 7, 30 and 53, B&N in view of Hartman does not teach customer identifies the first item using a unique identifier used by the customer and wherein the vendor maps the identifier used by the customer to a corresponding unique identifier used by the vendor. However, Johnson teaches capability where customer identifies the first item using a unique identifier used by the customer and wherein the vendor maps the identifier used by the customer to a corresponding unique identifier used by the vendor [Johnson, Fig. 3 and disclosure associated with Fig. 3]

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify B&N in view of Hartman as taught by Johnson to handle alternate product numbers to enable the method and system to handle OEM clients.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

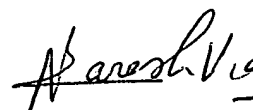
1. One-Click buying makes online world spin a little faster
2. RedCart.com Announces Web's First Universal Shopping Cart
3. Internet Start-up Gator.com Introduces Gator, the Web's First Smart Online Companion
4. Electronic Malls Permit Comparison Shopping

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig  
Examiner  
Art Unit 3629

November 2, 2006